
Public Utilities Commission of the State of California

Results of Public Agenda 3151

Meeting Held on Thursday, April 21, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

Geoffrey F. Brown

Dian M. Grueneich

Susan P. Kennedy

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, May 23, 2005 (San Francisco)	Thursday, May 05, 2005 (San Francisco)
Monday, June 13, 2005 (San Francisco)	Thursday, May 26, 2005 (San Francisco)
Monday, June 27, 2005 (San Francisco)	Thursday, June 16, 2005 (San Francisco)
	Thursday, June 30, 2005 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

1 A01-11-014 - Verizon Advanced Data, Inc.

[4086]

To transfer intrastate advance data services assets and California customer base, withdraw service and cancel its certificate of public convenience and necessity. A00-09-028 - Related matters. This decision grants in part and denies in part the June 23, 2004 petition to modify D03-06-044 filed by Covad Communications Company, MCI, Inc., AT&T Communications of California, WorldCom, Inc. and The Utility Reform Network. This decision closes the proceeding, but allows the parties to seek to have the proceeding reopened once federal uncertainty regarding the competitive issues raised in this proceeding are resolved. This proceeding is closed.

(Comr Brown - ALJ Thomas)

Agenda 3147, Item 5 2/10/2005 (Staff);

Agenda 3150, Item 3 4/7/2005 (Staff)

Outcome Signed

[D05-04-035](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

2 Res ALJ 176-3151

[4340]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

3

[4387]

Res T-16921 - SureWest Telephone (SureWest).

This resolution denies SureWest's request to withdraw its employee and retiree telephone concession offering from its "Employee Services" Tariff Schedule Cal. P.U.C. No. A27. This resolution instead authorizes SureWest to discontinue offering its telephone concession to only new employees of the utility. (Advice Letter (AL) 1056, filed January 18, 2005 and AL Supplement 1056A, filed January 24, 2005)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

4

[4389]

A03-08-004 - Pacific Gas and Electric Company (PG&E).

This decision addresses the review of PG&E's activities related to its Energy Resource Recovery Account for the five-month record review period of January 1, 2003 through May 31, 2003.

(Comr Peevey - ALJ Wong)

Outcome Signed[D05-04-036](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

5

[4390]

A02-05-004 - Southern California Edison Company (SCE).

I02-06-002 - Related matters. SCE petitions to modify its rate case D04-07-022, by clarifying some ambiguities in the decision. Held. Motion denied in substantive part. 1. SCE must report its annual total compensation package for each of its top ten executives. 2. D04-07-022 correctly states the Public Affairs expense forecast disallowance. 3. Minor changes are made to clarify the language in D04-07-022. These proceedings are closed.

(Comr Kennedy - ALJ Barnett)

Outcome Signed[D05-04-037](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

6

[4403]

Res T-16920 - Citizens Telecommunications Company of California, Inc. (CTC-CA).

This resolution authorizes CTC-CA to change text in Promotional Campaigns tariff under which its Promotional Campaigns tariff becomes a permanent tariff offering. (Advice Letter 896, filed December 28, 2004)

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

7

[4409]

Res W-4526 - Big Basin Water Company (BBWC).

This resolution authorizes BBWC a general rate increase producing additional annual revenue of \$106,725 or 46.5% in 2003.

Agenda 3150, Item 27 4/7/2005 (Staff)

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

8

[4410]

R00-01-005 - Order Instituting Rulemaking into implementation of Assembly Bill 1149, regarding underground electric and communications facilities.

This decision closes R00-01-005 and the Interim Order issued in D01-12-009 revising the rules for converting overhead utility lines to underground will stay in place until the Commission issues a new proceeding at a later date consistent with the Commission's resources and priorities, or until further order of the Commission. This proceeding is closed.

(Comr Kennedy - ALJ Brown)

Outcome Signed

[D05-04-038](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 9**
[4416] **R03-07-007 - Rulemaking on the Commission's own motion for the purpose of amending the Commission's Conflict of Interest Code.**
This decision adopts amendments to the Commission's Conflict of Interest Code after further modifying the rules contained in the Order Instituting Investigation, as modified by D03-09-012. This proceeding is closed.
(Comr Brown - ALJ Grau)
Outcome Held (5/5/05, Consent Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 10**
[4427] **I04-04-002 - In the Matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Stanley King Chee Wong and Xiu Ping Cui, a partnership dba K & T Moving Co. and KW Moving, K & T Moving/K.W. Moving Inc., its agent for service of process Stanley King Chee Wong, and ABC Moving, Inc., its president Su Fen Wu and its manager Stanley King Chee Wong.**
This decision grants the petition of ABC Moving, Inc. to modify D04-11-017. This proceeding is closed.
(Comr Brown - ALJ Bushey)
Outcome Signed
[D05-04-039](#)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 11**
[4448] **A03-03-043 - Southern California Edison Company (SCE).**
This decision denies the Request for Stay and Temporary Restraining Order by N.O.P.E., Inc. (NOPE) filed in this proceeding on September 9, 2004. NOPE's request seeks an order from the Commission that would require SCE to cease construction of its Viejo System Project, a transmission upgrade project authorized by the Commission in D04-07-027. The decision finds that NOPE has not met its burden to demonstrate any of several criteria for the issuance of a stay or TRO. Because the Commission does not find a TRO to be appropriate in this case, the issue of whether to stay the underlying order is moot. This proceeding is closed.
(Comr Kennedy - ALJ Malcolm)
Outcome Signed
[D05-04-040](#)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
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12

[4455]

R03-03-017 - Order Instituting Rulemaking on the Commission's own motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D01-08-040.

I03-03-018 - Related matters. This decision awards The Utility Reform Network \$101,093.04 in compensation for its contribution to D04-04-043 and D04-11-033. These proceedings are closed.
(Comr Brown - ALJ O'Donnell)

Outcome Signed[D05-04-041](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

13

[4456]

A04-10-029 - Western Telephone, Inc. (Applicant).

For a certificate of public convenience and necessity under Pub. Util. Code §1001 to provide resold local exchange telecommunications services. This decision grants the requested authority subject to the terms and conditions set forth. This proceeding is closed.

(Comr Kennedy - ALJ Patrick)

Outcome Signed[D05-04-042](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

14

[4457]

(ECP) C04-10-020 - Nick J. Constantinides vs. Bear Valley Electric Services, a Division of Southern California Water Company.

Complainant's request for damages because of improper tree trimming by defendant is dismissed. Commission has no jurisdiction to award damages. Defendant is found to have violated General Order 95, Rule 35, and is admonished. This proceeding is closed.

(Comr Peevey - ALJ Barnett)

Outcome Signed[D05-04-043](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

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- 15**
[4459] **A01-02-024 - AT&T Communications of California, Inc. and WorldCom, Inc.**
For the Commission to reexamine the recurring costs and prices of unbundled switching in its first annual review of unbundled network element costs pursuant to Ordering Paragraph 11 of D99-11-050. A01-02-035, A02-02-031, A02-02-032, A02-02-034, A02-03-002 - Related matters. This decision awards The Utility Reform Network \$272,898.48 in compensation for its contribution to D04-09-063.
(Comr Peevey - ALJ Duda)
Outcome Signed
[D05-04-044](#)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 16**
[4460] **Res W-4530 - Erskine Creek Water Company, Inc. (ECWC).**
This resolution authorizes ECWC a one-time surcharge to recover an increase in water testing costs producing an increase in annual revenues of \$5,691.36 or 1.72%. (Advice Letter 64, filed February 23, 2005)
Outcome Approved
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 17**
[4461] **Res W-4531 - Mesa Crest Water Company (MCWC).**
This resolution authorizes MCWC a general rate increase producing an additional annual revenue of \$70,682 or 8.4% in 2004 and an additional \$49,573 or 5.4% in 2005.
Outcome Held (5/5/05, Consent Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 18**
[4462] **Res W-4528 - California-American Water Company (Cal-Am).**
This resolution authorizes Cal-Am, Los Angeles Division, an offset rate increase producing \$944,289 (5.38%) in additional revenue for a period of two years for the undercollection of its expense balancing account. (Advice Letter 580, filed March 21, 2003)
Outcome Approved
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
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19

[4463]

Res W-4529 - Meadowbrook Water Company (MWC).

This resolution authorizes MWC a one-time surcharge to recover an increase in water testing costs producing an increase in annual revenues of \$8,827.01 or 2.28%. (Advice Letter 47, filed February 16, 2005)

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

20

[4465]

R03-09-006 - Order Instituting Rulemaking on the Commission's own motion for the purpose of considering policies and rules governing utility construction contracting process.

Greenlining Institute (Greenlining) requests \$5,730.48 for its work in this proceeding and following issuance of D04-12-056, in which the Commission sets forth certain rules and policies for energy utility contracting procedures in certain cases. This decision finds that Greenlining has failed to demonstrate that it made a substantial contribution to the proceeding; thus, the decision denies the request.

(Comr Peevey - ALJ Malcolm)

Outcome Signed

[D05-04-045](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

21

[4467]

C04-06-012 - Sierra City Fire District vs. R. R. Lewis Small Water Company.

The mediated written settlement agreement reached by the parties in this proceeding is adopted. At request of complainant, the remaining issues are withdrawn. This proceeding is closed.

(Comr Brown - ALJ Koss)

Outcome Signed

[D05-04-046](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 22**
[4470] **Res T-16930 - SBC California.**
This resolution approves an Interconnection Agreement between SBC California and SBC Advanced Solutions, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 26205, filed February 15, 2005)
Outcome Approved
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 23**
[4471] **Res T-16933 - SBC California.**
This resolution approves an Interconnection Agreement and Amendment No. 1 between SBC California and Level 3 Communications, LLC, in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 26243, filed February 22, 2005)
Outcome Approved
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 24**
[4472] **Res W-4532 - California Water Service Company (CWS).**
This resolution authorizes CWS to acquire Los Trancos County Water District near CWS' Bear Gulch District. (Advice Letter 1658, filed April 9, 2004)
Outcome Approved
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 25**
[4473] **A04-03-012 - Stephen Fernandez, dba Ramona Water Company.**
Pursuant to Pub. Util. Code §§851-854, this decision grants authority to Steven Fernandez to transfer ownership of Ramona Water Company (Ramona) to the Great Western District, a newly formed corporation to own and manage community water systems. Ramona is a small water corporation serving 125 connections in a service territory two miles east of Anza in Riverside County. This proceeding is closed.
(Comr Brown - ALJ Walker)
Outcome Signed
[D05-04-047](#)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)

26

[4476]

Res ST-77 - Bay Area Rapid Transit District (BART).

This resolution approves the Consumer Protection and Safety Division's Rail Transit Safety Section request allowing BART to deviate from General Order 95, Rule 79.4 and raise concrete barriers higher than three feet along highway medians that are designated as high risk for intrusion into BART's right-of-way. Resolution ST-77 cancels Resolution SU-12 (1992) that allowed concrete barriers to be a maximum height of three feet.

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

27

[4478]

AB 326 (Blakeslee)

Telephone corporations: universal service.

Outcome Held (5/5/05, Regular Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

28

[4479]

AB 375 (Cogdill)

CEQA: telecommunications lines: exemption.

Outcome Approved (Legislative Subcommittee Recommendation: Support with amendments.)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

29

[4480]

AB 453 (Benoit)

Grade separation projects.

Outcome Approved (Legislative Subcommittee Recommendation: Support.)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

- 30**
[4481] **SB 210 (Bowen)**
Telco: telephone corporations: surcharge.
Outcome Approved (Legislative Subcommittee Recommendation: Support.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 31**
[4482] **AB 745 (Blakeslee)**
Public utilities: eminent domain.
Outcome Held (5/5/05, Regular Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 32**
[4483] **AB 903 (De La Torre)**
Cable television franchises.
Outcome Held (5/5/05, Regular Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 33**
[4485] **SB 386 (Campbell)**
PUC: inspection and audit of books & records.
Outcome Held (5/5/05, Regular Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 34**
[4486] **AB 1009 (Richman)**
Electricity: time-of-use pricing tariffs: real time metering.
Outcome Held (5/5/05, Regular Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

- 35**
[4487] **AB 1067 (Frommer)**
Vehicles: railroad grade crossings: violation.
Outcome Approved (Legislative Subcommittee Recommendation: Support.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 36**
[4488] **SB 441 (Soto)**
Electricity rates.
Outcome Approved (Legislative Subcommittee Recommendation: Oppose.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 37**
[4489] **AB 1348 (Sharon runner)**
Electricity: voluntary time-of-use tariff rates.
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 38**
[4490] **SB 578 (Escutia)**
Railroads: safety.
Outcome Approved (Legislative Subcommittee Recommendation: Support.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 39**
[4491] **SB 608 (Escutia)**
PUC: Division of Ratepayer Advocates: office of the public advisor.
Outcome Held (5/5/05, Regular Agenda.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

40

[4492]

AB 736 (J. Horton)

Public utilities: regulation.

Outcome Held (5/5/05, Regular Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

41

[4497]

A04-12-015 - FirstEnergy Corp., First Communications, LLC and McKinley Communications, LLC.

This decision grants the application of FirstEnergy Corporation and First Communications, LLC for approval of the partial transfer of control of First Communications to McKinley Communications. This proceeding is closed.

(Comr Kennedy - ALJ Prestidge)

Outcome Signed[D05-04-048](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda**Energy Orders****42**

[4103]

A00-11-038 - Southern California Edison Company (SCE).

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs. A00-11-056, A00-10-028 - Related matters. This decision awards The Utility Reform Network (TURN) \$1,043,871.80 in compensation for its further participation in the federal district court proceedings in which SCE and Pacific Gas and Electric Company challenged the Commission's jurisdiction to limit the utilities' recovery of increased wholesale procurement costs, and for its efforts in the judicial review of D02-06-070, which awarded TURN intervenor compensation for its earlier participation in those federal proceedings.

(Comr Brown - ALJ Allen)

Agenda 3144, Item 48 12/16/2004 (Kennedy);

Agenda 3145, Item 45 1/13/2005 (Brown);

Agenda 3146, Item 29 1/27/2005 (Staff);

Agenda 3147, Item 37 2/10/2005 (Staff);

Agenda 3149, Item 32 3/17/2005 (Staff)

Outcome Defeated

Yes: (Grueneich)

No: (Brown, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

42a

[4450]

ALTERNATE TO ITEM 4103

A00-11-056; A00-10-028 - Related matters. This decision awards The Utility Reform Network (TURN) \$288,402.18 compensation for (1) its further participation in the federal district court proceedings in which Southern California Edison Company (Edison) and Pacific Gas and Electric Company (PG&E) challenged the Commission's jurisdiction to limit the utilities' recovery of increased wholesale procurement costs and (2) its efforts in judicial review of Decision 02-06-070, which awarded TURN intervenor compensation for its earlier participation in those federal proceedings. The decision denies TURN compensation for its judicial litigation costs of challenging the Commission's settlement resolving the Edison federal district court proceeding. Its rationale for so doing is that TURN did not contribute to the settlement and did not succeed in its attempt to overturn it.

(Comr Brown)

Outcome Signed

[D05-04-049](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

43

[4319]

A02-03-047 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).

A02-03-048, A02-03-049 - Related matters. This decision specifies the contents of the applications that Pacific Gas and Electric Company, SDG&E, Southern California Edison Company and SoCalGas should file in seeking future funding for their Low Emission Vehicle programs. Decision 03-10-086 approved prior requests for LEV funding, but ordered a process to refine the contents of the foregoing utilities' applications. These proceedings are closed.

(Comr Brown - ALJ Thomas)

Agenda 3149, Item 14 3/17/2005 (Peevey)

Outcome Held (5/5/05. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

44

[4324]

R99-11-022 - Order Instituting Rulemaking into implementation of Public Utilities Code Section 390.

This decision responds to the California Court of Appeal's remand order directing the Commission to determine whether short run avoided cost (SRAC) prices between December 2000 and March 2001 were correct and consistent with the Public Utilities Regulatory Policy Act of 1978. This decision determines that SRAC prices between December 2000 and March 2001 were correct, and that retroactive application of the SRAC transition formula as adopted in D03-01-067 is not warranted.

(Comr Peevey - ALJ DeBerry)

Agenda 3149, Item 36 3/17/2005 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

45

[4375]

R04-04-026 - Order Instituting Rulemaking to implement the California Renewables Portfolio Standard Program.

This decision addresses the issue of the participation of renewable distributed generation (DG) in the Renewable Portfolio Standards (RPS) program, and spells out the general principles that will guide that participation particularly regarding Renewable Energy Credits (RECs). The decision finds that the owner of the renewable DG facilities own the RECs associated with the generation of electricity from those facilities, those RECs may be used to satisfy the utilities' RPS targets, and the RECs stay bundled with the associated electricity.

(Comr Peevey - ALJ Allen)

Agenda 3150, Item 37 4/7/2005 (Staff)

Outcome Held (5/5/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

46

[4398]

R04-01-025 - Order Instituting Rulemaking to establish policies and rules to ensure reliable, long-term supplies of natural gas to California.

This decision addresses the Ratepayers for Affordable Clean Energy "Motion for Reconsideration of Administrative Law Judge's Ruling Regarding Notices of Intent to Claim Compensation" and "Lynda Arakelian's Motion for Protective Order Regarding Personal Financial Information."

(Comr Kennedy, Comr Peevey - ALJ Wong)

Outcome Signed

[D05-04-050](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

47

[4400]

R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.

This decision adopts the policy rules, terms and definitions for energy efficiency that will apply to all post-2006 programs of Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company. The decision also addresses threshold issues related to evaluation, measurement and verification (EM&V) of post-2006 energy efficiency programs to guide the development of specific EM&V protocols.

(Comr Kennedy - ALJ Gottstein)

Outcome Signed (Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

[D05-04-051](#)

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (Grueneich)

Absent: (none)

48

[4414]

R04-01-006 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing post-2003 low-income assistance programs.

A04-06-038, A04-07-002, A04-07-010, A04-07-011, A04-07-012, A04-07-013, A04-07-014, A04-07-015, A04-07-020, A04-07-027, A04-07-050 - Related matters. This decision acts on the applications of the large California investor owned utilities for Low Income Energy Efficiency and California Alternate Rates for Energy for the 2005 calendar year.

(Comr Grueneich - ALJ Thomas)

Outcome Signed

[D05-04-052](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

49 (Rev.)

[4452]

A05-01-016 - Pacific Gas and Electric Company (PG&E).

A05-01-017, A05-01-018 - Related matters. This decision makes changes to the current voluntary critical peak pricing tariffs of PG&E, Southern California Edison Company and San Diego Gas & Electric Company (SDG&E) and adopts a new interruptible tariff for SDG&E but does not adopt default critical peak pricing rates for Summer 2005.

(Comr Peevey - ALJ Cooke)

04/20/2005 - This revision was not shown on the Agenda mailed to the public.

Outcome Signed

[D05-04-053](#)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports**50**

[4392]

Res E-3914 - Pacific Gas and Electric Company (PG&E).

PG&E requests the Commission's authorization to establish a memorandum account to track and record costs associated with new long-term resource procurement activities. (Advice Letter 2597-E, filed December 10, 2004)

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

51

[4415]

Res E-3922 - Pacific Gas and Electric Company (PG&E).

PG&E proposed a market-based method for a customer value of service study. The Commission denies the request and requires PG&E to use a survey-based method instead. (Advice Letter 2616-E, filed January 21, 2005)

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

52

[4469]

Res E-3926 - San Diego Gas & Electric Company (SDG&E).

SDG&E requests Commission approval of Demand Reduction Agreement for a Distributed Resource Project between SDG&E and Celerity Energy Partners San Diego LLC, in compliance with D04-06-011. (Advice Letter 1673-E, filed March 3, 2005)

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Orders**53**

[4290]

R03-04-003 - Order Instituting Rulemaking on the Commission's own motion to comply with the mandates of Senate Bill 1563 regarding deployment of advanced telecommunications technologies.

This decision satisfies the requirements of Senate Bill 1563 (Ch. 674, Stats. 2002), which requires the Commission to develop a plan for encouraging the widespread availability and use of advanced communications infrastructure and to report its findings and recommendations to the Governor and the Legislature. This proceeding is closed.

(Comr Kennedy - ALJ Malcolm)

Agenda 3149, Item 44 3/17/2005 (Staff);

Agenda 3150, Item 43 4/7/2005 (Brown)

Outcome Held (5/5/05. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

54

[4378]

A04-05-039 - Lynch Telephone Corporation XI, Lynch Interactive Corporation, Brighton Communications Corporation, Cal-Ore Telephone Company and California-Oregon Telecommunications Corporation.

This decision grants conditional authority under Section 854 for Lynch Interactive Corporation to acquire indirect control of Cal-Ore Telephone Co. and Cal-Ore Long Distance. This proceeding is closed.

(Comr Brown - ALJ Kenney)

Agenda 3150, Item 46 4/7/2005 (Kennedy)

Outcome Held (5/5/05. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

55

[4426]

C03-02-011 - California Telcom, L.L. C. dba Cox Communications (Cox) vs. Southwestern Bell Corporation.

This decision grants the complaint of Cox against Pacific Bell Telephone Company, doing business as SBC California (SBC California), and finds that SBC California breached § 3(A) of the Cox-SBC California Data Exchange Agreement from May 2000 through July 2001 by misdelivering certain call record data. Consequently, the decision does not find Cox liable to SBC California for the costs of the traffic at issue. This proceeding is closed.

(Comr Brown - ALJ Reed)

Outcome Signed

D05-04-054

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Water/Sewer Orders**56**

[4317]

A03-04-025 - San Gabriel Valley Water Company.

For authority to implement a low income rate in its Los Angeles County Division in compliance with D02-10-058 in A01-10-028. This decision concludes consideration of low-income rate proposals.

This proceeding is closed.

(Comr Brown - ALJ Bushey)

Agenda 3149, Item 48 3/17/2005 (Peevey);

Agenda 3150, Item 49 4/7/2005 (Grueneich)

Outcome Held (5/5/05. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

56a

[4413]

ALTERNATE TO ITEM 4317

This alternate accepts San Gabriel Water Company's low-income rate relief program known as California Alternative Rates for Water, or CARW, for its Los Angeles District.

(Comr Peevey)

Agenda 3150, Item 49a 4/7/2005 (Grueneich)

Outcome Held (5/5/05. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Other Utility Orders**57**

[4393]

P02-02-003 - Pacific Gas and Electric Company, Southern California Edison Company, and California-American Water Company.

Petition of certain public utilities to adopt, amend, or repeal a regulation pursuant to Public Utilities Code Section 1708.5 and for an Order Instituting a Rulemaking regarding General Order 69-C. This decision releases the final report on the public workshop into issues regarding application and implementation of General Order (GO) 69-C and refers it to staff for use in preparation of options streamlining §851 review and for clarifying use of GO 69-C. This proceeding is closed.

(Comr Brown - ALJ Vieth)

Outcome Signed

D05-04-055

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters

- 58**
[4434] **AB 974 (Nunez)**
Energy resources: State Energy Resources Conservation & Development Commission: PUC
Agenda 3150, Item 54 4/7/2005 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 59**
[4435] **AB 1010 (Oropeza)**
Rail transit.
Agenda 3150, Item 55 4/7/2005 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 60**
[4436] **AB 1082 (Ruskin)**
Telecommunications: consumer protection.
Agenda 3150, Item 56 4/7/2005 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 61**
[4445] **SB 1059 (Escutia and Morrow)**
Electric transmission corridors.
Agenda 3150, Item 67 4/7/2005 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

62

[4446]

SB 1068 (Escutia)

Telecommunications: consumer protection.

Agenda 3150, Item 68 4/7/2005 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal

64

[4276]

R03-09-006 - Conference with Legal Counsel – Application for Rehearing

Disposition of Application for Rehearing and/or Request for Stay of D04-12-056 filed by Southern California Edison Company (SCE), and/or Disposition of Application for Rehearing of D04-12-056 filed by the Pacific Gas and Electric Company (PG&E) and the San Diego Gas and Electric Company (SDG&E). D04-12-056 prohibits the use of 'reverse auctions' in energy utility construction contract bidding procedures, a practice in which bidders compete for contracts by lowering their bids until the lowest bid is accepted. D04-12-056 also requires respondent utilities to ensure the payment of prevailing wages by their construction contractors in all construction. SCE, PG&E, and SDG&E, respondent utilities, seek rehearing on allegations that latter provision of D04-12-056 is preempted by federal law, contrary to Commission Rules, and not supported by the record of the proceeding.

Agenda 3147, Item 48 2/10/2005 (Staff);

Agenda 3148, Item 42 2/24/2005 (Staff);

Agenda 3149, Item 53 3/17/2005 (Staff);

Agenda 3150, Item 72 4/7/2005 (Staff)

Outcome Held (5/5/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

65

[4428]

C00-01-017 - Conference with Legal Counsel - Application for Rehearing

Disposition of the request for an application for rehearing of D05-01-006 filed by Golden State Homeowners League, Inc. (Golden State). D05-01-006 denied Golden State's request for intervenor compensation for its contribution to D01-08-040 and D04-06-007 in C00-01-017 for the following reasons: (1) Golden State did not make a substantial contribution to the Decision; (2) Golden State's work completed on behalf of the Complainant is not compensable because the complainant is not eligible for intervenor compensation; and (3) Golden State does not qualify as a customer under Public Utilities Code Section 1802(b).

Agenda 3150, Item 76 4/7/2005 (Staff)

Outcome Signed

D05-04-056

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Initiation of Litigation - Non-Federal**66**

[4372]

Conference with Legal Counsel – Initiation of Enforcement Proceeding

Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)

Agenda 3149, Item 58 3/17/2005 (Staff);

Agenda 3150, Item 77 4/7/2005 (Staff)

Outcome Signed

I05-04-018

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

67

[4474]

Conference with Legal Counsel - Initiation of Litigation

Deliberation on institution of proceeding or disciplinary actions against person or entities under the Commission's jurisdiction. (Disclosure of case name would fail to protect the private economic or business reputation of the person or entity if the proceeding or disciplinary action is not commenced and disclosure could also jeopardize the ability to effect personal service on the Respondent.)

Outcome Signed

I05-04-019

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)